

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

LAVERN BERRYHILL,

Plaintiff,

v.

JUDGE JAMES H. PAYNE, et. al.,

Defendants.

No. CIV 10-188-JHP

OPINION AND ORDER

Plaintiff, an inmate seeking to commence an appeal to the Tenth Circuit Court of Appeals, has filed a motion for leave to proceed *in forma pauperis*. This civil rights action against four judges of this court was dismissed as frivolous and malicious on June 14, 2010. Plaintiff's notice of intent to appeal, filed on June 28, 2010, alleges only that the judges of this court have conspired with the defendants.

After careful review, the court finds the appeal has not been taken in good faith. Because plaintiff has not shown a reasoned, nonfrivolous argument on the law and facts to support an appeal, his motion for leave to proceed on appeal in forma pauperis [Docket #8] is DENIED, pursuant to 28 U.S.C. § 1915(a)(3). Plaintiff is directed to forward the \$455.00 filing fee to the Court Clerk within twenty (20) days.

IT IS SO ORDERED this 26th day of July 2010.


James H. Payne
United States District Judge
Eastern District of Oklahoma